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SPECIAL TOWN MEETING
October 23 & 25, 1995

The meeting was televised by Amherst Community Television.

The Special Town Meeting was called to order by the Moderator, Harrison Gregg, at 7:37 p.m. There were 247 town meeting members. 157 checked in and a quorum was declared. The call and return of the warrant were read by Town Clerk Cornelia D. Como. Roger Wallace, Hilda Greenbaum, James Pistrang, Stephen Zipperstein, Harry Brooks and Nonny Burack were sworn as tellers.

ARTICLE 1. Voted unanimously to hear only those reports of the Town officers, Finance Committee, and any other Town boards or committees which are not available in written form.
Action taken on 10/23/95.

ARTICLE 2. Voted unanimously to hear the State of the Amherst Schools report of the Amherst School Committee; such report to include:

Primary Goals

How progress toward those goals is measured

A projection of financial resources needed to meet said goals

System strengths

System weaknesses

Whatever other issues the School Committee determines should be in such a report.

Action taken on 10/23/95.

ARTICLE 3. Voted to hear the report of the Joint Capital Planning Committee.

Action taken on 10/23/95.

ARTICLE 4. Voted that the Town appropriate \$625,000 to the Stabilization Fund and that to meet such appropriation \$225,000 be raised by taxation and \$400,000 be transferred from Free Cash in the Unreserved Fund Balance.

Action taken on 10/23/95.

ARTICLE 5. Voted that the Town approve the vote of the Amherst-Pelham Regional School District School Committee adopted on August 31, 1995, amending its vote of February 22, 1994, as amended on August 23, 1994 and on September 13, 1994, authorizing the incurring of debt by the issuance and sale of bonds or notes in the aggregate principal amount of \$22,092,000 for the purpose of adding to, reconstruction and equipping the District High School, including cost incidental and related thereto, by deleting the condition therein "provided that no more than \$1,400,000 for the preparation of plans and specifications and related preliminary cost, shall be borrowed or expended under this vote until the project has been approved by the Board of Education for a school construction grant of at least 65% of the approved costs."

Action taken on 10/23/95.

ARTICLE 6. Voted YES 177, NO 8 that the Town appropriate \$3,223,000 for the renovation of Town Hall and that to meet such appropriation the Treasurer be authorized to borrow \$3,223,000 in accordance with Massachusetts General Laws Chapter 44, Section 7, Clause (3A).

Action taken on 10/23/95.

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10:25 p.m. The meeting voted to adjourn to Wednesday, October 25, 1995 at 7:30 p.m. in the Auditorium of the Amherst Regional Junior High School. 211 town meeting members were checked in.

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The adjourned session of Wednesday, October 25, 1995 was called to order by the Moderator at 7:37 p.m. 138 town meeting members were checked in.

ARTICLE 7. Voted unanimously that the Town amend the action taken on May 8, 1995, under Article 25 of the 1995 Annual Town Meeting, by adding the shaded text:

that the Town (1) appropriate \$182,000 for the acquisition by eminent domain, purchase, gift or otherwise, of 188 acres of property located on Sand Hill Road in Shutesbury, known as the Gage purchase, for conservation purposes and for watershed protection purposes, and that to meet such appropriation \$182,000 be transferred from the appropriation voted under Article 2 of the Special Town Meeting in May of 1986 (Atkins Treatment Plant); (2) authorize the Conservation Commission to seek "self-help" reimbursement from the Commonwealth in accordance with Massachusetts General Laws, Chapter 132A, Section 11, for such acquisition and to enter into any agreement, contract or conveyance related thereto; and (3)

authorize the Conservation Commission to manage and control the same in accordance with Massachusetts General Laws, Chapter 40, Section 8(C).

Action taken on 10/25/95.

ARTICLE 8. Voted YES 136, NO 22 that the Town

1) authorize the acquisition, by eminent domain, gift or otherwise, from Construction Service, Inc., of Wilbraham, Massachusetts, and/or others, of 39 acres of property located on Pulpit Hill Road and State Street, known as the Ruxton property, for sewer, conservation, or other municipal purposes, and for said acquisition appropriate \$265,000 together with \$15,000 already expended, and that to meet such appropriation \$9,153 be accepted from the Kestrel Trust, \$40,909 be transferred from Article 48 (FY 87, Sludge Composting), \$119,953 be transferred from Article 47 (FY90, Sludge Treatment Facility), and \$94,985 be provided from Sewer Fund Surplus;

2) authorize the Conservation Commission to manage and control in accordance with Massachusetts General Laws, Chapter 40, section 8C, 11.8 acres on the westerly and southerly sides of said property, said 11.8 acres designated as Parcel B and described as follows:

Beginning at a point at the southerly side of Pulpit Hill Road, southerly 333.71 feet to a point, thence southeasterly 184.15 feet to a point, thence easterly 248 feet to a point thence easterly 228 feet to a point, thence southwesterly 267 feet to a point, thence southerly 375 feet to a point on the north line of State Street; the previous courses being along land of the said inhabitants of the Town of Amherst, thence easterly 290 feet by the northerly line of State Street to a point; thence easterly by same 580 feet to a point; thence easterly by same 455 feet to a point; thence northerly by the New London Northern Railroad 153 feet to a point, thence westerly by a line parallel to and northerly from the said north line of State Street by the following distances: westerly 470 feet to a point, westerly 570 feet to a point; westerly 90 feet to a point; said last 3 courses being along the southerly line of Parcel A; thence northerly 830 feet by said Parcel A to a point, thence northwesterly by the southerly line of Pulpit Hill Road 146 feet to a point; thence northwesterly 196 feet to a point by said line of Pulpit Hill Road; thence westerly by said line of road 360 feet to the point of beginning; Being Parcel B of Parcel 33, Map 5B of the Assessors' Tax Maps; subject to a utility easement to Parcel A from State Street, and being 11.8 acres more or less.

3) authorize the Select Board to accept any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise toward the purchase, authorize the Select Board to enter into contracts for said grants with the Commonwealth under Chapter 132, section 11, and further authorize the Treasurer to borrow in anticipation of said grants under Chapter 44, section 7(3).

Action taken on 10/25/95.

ARTICLE 9. Voted unanimously to DISMISS. Ruxton Property

Action taken on 10/5/95.

ARTICLE 10. Voted unanimously that the Town authorize the Board of Selectmen to acquire by purchase, eminent domain, gift or otherwise, the following parcels, or any portion thereof, owned by Gordon Hall III and Douglas Kohl and/or others for solid waste purposes: Parcel 18D-38 and Parcel 18D-001-51, and to provide for such acquisition \$10,000 be appropriated and transferred from Article 1, Special Town Meeting, September 1985 (closing Old Belchertown Road landfill) and, further to see if the Town will authorize the Board of Selectmen to convey the following parcels, or portions thereof, to Douglas Kohl and/or others; Parcel 21B-68 and Parcel 21B-8.

Action taken on 10/25/95.

ARTICLE 11. Voted unanimously pursuant to the Home Rule Amendment and Home Rules Procedures Act, that the Town authorize the Select Board to seek from the General Court a Special Act waiving for the leasehold parcels at "The Hollow" the dimensional requirements, the road frontage requirements and the building coverage requirements of the Amherst Zoning Bylaw and related state statutes, enabling the Fields Association, Inc. to convey each leasehold lot to the dwelling owner, thus combining the dwelling house and lot in a single ownership, providing substantially as follows:

§ 1 - Definitions:

Leasehold: the leasehold interest in that portion of the Fee Owner's undivided fee simple title on which the Leasehold Owner's dwelling unit is located.

Dwelling Unit: the residential structure owned by the Leasehold Owner and located on a portion of the Fee Owner's land pursuant to terms of the recorded ground lease.

Fee Owner: the Owner of the undivided fee simple title to the real estate subject to separate leasehold interests owned by those holding leasehold interest.

Leasehold Owner: the Owner of the dwelling unit pursuant to the terms of the recorded ground lease.

§ 2 - Notwithstanding the provisions of any general or special law to contrary, and in particular the provisions of the state Zoning Act (General Laws Chapter 40A) and Amherst Zoning Bylaw Sections: 6.10, 6.11, 6.13, 6.14, 6.15, 6.16, 6.17, and 6.18, and notwithstanding the absence of, or deficiency in street frontage, area, front set back, side set back, rear yard set back, and notwithstanding the degree to which such Leaseholds exceed the maximum building coverage and lot coverage, all as otherwise required by state or local law, the Fee Owner (or Owners) of the undivided fee simple interest in the land underlying Leasehold #1, #2, #3, #4, #18, #19, #20, #21, #22, #23, #24, #24A, #28, #29, #30, #31, #32, #33, and #34 as shown on a certain plan of land entitled "Plan Showing Leaseholds in Stage II Phase I at Amherst Fields Amherst, Massachusetts prepared for Amherst Land Trust", dated August 26, 1976, recorded in the Hampshire County Registry of Deeds and attached to document recorded in said Registry at Book 1909, Page 1, all being located within in the Neighborhood Residence Zoning District ["RN"], and being included within Parcels 2-1 Through 19-1 on Zoning Map #18C, may convey the fee simple title to said Leaseholds to the Leasehold Owners of the dwelling units situated thereon, or, upon the expiration of a period equal to the remaining term of the lease, to any other party.

§ 3 - Upon the effective date of this special act said dwelling unit and the underlying leasehold land as defined in the recorded lease shall become lawful, nonconforming lots, and shall thereafter be subject to all provisions of state and local law governing existing nonconforming lots within said zoning district.

§ 4 - Upon any such sale, title to the dwelling unit and title to the underlying parcel of leasehold land on which it is located shall merge into fee simple title to the nonconforming lot which may thereafter be sold by such owner and successors in interest.

§ 5 - Any leasehold interest not extinguished by purchase under the foregoing sections, shall continue unaffected by the conversion of the underlying parcel of land from a divided to an undivided fee simple title thereto, and the Leasehold Owner shall continue to have the right to maintain said dwelling unit thereon for the period equal to the remaining term of the lease, and upon expiration of any such period, and if no sale has been consummated with the leasehold owner, there shall be a merger of title in the dwelling unit and the underlying parcel of leasehold land, and the Fee Owner of the nonconforming lot, and successors in interest, may sell as a lawful nonconforming lot.

Action taken on 10/2/95.

ARTICLE 12. Voted to DISMISS. Unpaid Bills

Action taken on 10/25/95.

ARTICLE 13. Voted that the Town amend Article 1 of the Town Bylaws - The Town Government, Finance Committee, paragraph 1 by deleting the words in brackets and adding the shaded text:

[...the terms of such members to expire at the final adjournment of the third annual town meeting following their appointment. After the final adjournment of each annual town meeting the moderator shall appoint as many members to said committee as are necessary to replace members whose terms expired at such final adjournment.] ...the terms of such members to expire on June 30 of the third year following their appointment. After each June 30 the moderator shall appoint as many members to said committee as are necessary to replace members whose terms expired on that June 30 date.

Action taken on 10/25/95.

The business of the warrant having been completed, the meeting voted to dissolve at 9:22 p.m. 167 town meeting members were checked in.

Attest:

Cornelia D. Como
Town Clerk